

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA                    )  
  )  
                  v.                                ) Criminal No. 02-40 Erie  
  )  
JOHN COOLEY                                    )

**GOVERNMENT'S MOTION FOR EXTENSION OF TIME TO FILE  
RESPONSE TO DEFENDANT'S MOTION TO VACATE JUDGMENT**

AND NOW comes the United States of America, by and through its counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christian A. Trabold, Assistant United States Attorney for said district, and states as follows:

1. On November 5, 2007, the defendant, John Cooley, acting *pro se*, filed a Motion to Vacate Judgment pursuant to 28 U.S.C. § 2255.<sup>1</sup>

2. On November 6, 2007, this Court issued an Order directing the Government to file its Response on or before December 6, 2007.

3. The Government submits that it will need more time to respond to the defendant's motion.

4. As this Court recalls, the trial in this matter occurred between December 2 and December 9, 2003. Because of the

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<sup>1</sup> Although Cooley originally filed a Motion to Vacate on July 20, 2006, that Motion was dismissed, upon motion of the Government, for lack of jurisdiction because Cooley's appeal to the Third Circuit was still pending. (See Doc. Nos. 128-131). Ultimately, on May 1, 2007, the Third Circuit affirmed defendant's judgment. (Doc. No. 139).

considerably large amount of evidence that was presented during the trial, the Government needs more time to thoroughly review all aspects of the case in order to prepare its response to the defendant's motion.

WHEREFORE, the Government respectfully requests an additional 60 days to respond to the defendant's motion to vacate.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney

/s/ Christian A. Trabold  
CHRISTIAN A. TRABOLD  
Assistant U.S. Attorney  
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